

STATEMENT OF RELEVANCE FOR JP-A-2001-039817

The Japanese Examiner stated in an Official Action issued in the corresponding application in Japan that a cosmetic composition comprising pigments such as goniochromatic pigments, pearlescent agents such as reflective particles, lame, glittering agents, in particular a gloss, often requires transparent medium in order to bring out the optical properties of the pigments and particles. The oils used in transparent cosmetics as the transparent medium have similar reflective index as that of the oily phase according to the present invention.

The Examiner then referred to JP-A-2001-039817, claim 3, and in particular Example 13, as well as to JP-A-2001-354543 and JP-A-2001-172128.

JP-A-2001-039817 discloses a transparent cosmetic comprising 12-hydroxystearic acid, an oily component and a fatty acid ester of dextrin of the formula (I) (claim 1). The fatty component has the reflective index of 1.44 to 1.54 (claim 3). Example 13 contains the following components.

Dextrin palmitate 0.1 wt. %

12-Hydroxystearate 11 wt. %

Liquid lanolin 5 wt. %

Methylphenyl silicone 20 wt. %

Monohydrogenated rosin
glyceryl diisostearate 10 wt. %

Liquid petrolatum 30 wt. %

Glyceryl
tri-2-ethylhexanoate 15.9 wt. %

2-Ethylhexyl
4-methoxycinnamate 5 wt. %

Lame
(multilayered plate-like
polymer powder) 3 wt. %

STATEMENT OF RELEVANCE FOR JP-A-2001-354543

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The Examiner then referred to JP-A-2001-354543, in particular to Example 15 thereof, as well as to JP-A-2001-039817 and JP-A-2001-172128.

JP-A-2001-354543 discloses a solid cosmetic comprising a hydroxycarboxylic acid, a resin acid ester, a liquid oil, and an amorphous fine-particle silicic anhydride (claim 1). This document does not mention the refractive index of the oil. However, the liquid oils mentioned in this reference appears to overlap with those mentioned in the present application.

Example 15 describes an eyeshadow in a stick form comprising the following ingredients, in particular a glitter (lame).

| Ingredients | Amount (wt. %) |
|---|----------------|
| 12-Hydroxystearate | 8 |
| Partially hydrogenated methyl abietate | 30 |
| Methyl abietate | 6.5 |
| Methylphenyl polysiloxane | residual |
| Glyceryl tri-2-ethylhexanoate | 18 |
| Glitter (lame) | 1 |
| Hydrophobic amorphous fine-particle silicic anhydride | 5 |
| Hydrophobic spherical silicic anhydride | 2 |
| Nonionic surfactant | 0.5 |
| Purified water | 1 |
| Antioxidant | q.s. |

STATEMENT OF RELEVANCE FOR JP-A-2001-172128

The Japanese Examiner stated in an Official Action issued in the corresponding application in Japan that that a cosmetic composition comprising pigments such as goniochromatic pigments, pearlescent agents such as reflective particles, lame, glittering agents, in particular a gloss, often requires transparent medium in order to bring out the optical properties of the pigments and particles. The oils used in transparent cosmetics as the transparent medium have similar reflective index as that of the oily phase according to the present invention.

The Examiner then referred to JP-A-2001-172128, in particular claim 4, [0018] and the Examples, as well as to JP-A-2001-039817 and JP-A-2001-354543.

JP-A-2001-172128 discloses a transparent solid cosmetic comprising (A) 12-hydroxystearate, (B) a specific rosin ester, (C) an ester selected from the group consisting of an ester prepared from a polyhydric alcohol and a fatty acid and an ester prepared from rosin, a fatty acid and a polyhydric alcohol and (D) an oily component (claim 2). The transparent solid cosmetic of the invention can comprise coloring agents, pearlescent agents, pigments, powders, which are usually used in conventional cosmetics ([0018]).

The oily component has the reflective index of 1.42 to 1.60 (claim 4). The lip creams according to Examples 1 to 8 shown in Table 1 comprise the following ingredients (1) to (22), wherein the ingredients (3), (4), (5), (6), (8), (9), (12), (13) and (18) belong to ester (C); and ingredients (6), (7), (10), (11), (14), (15), (16), (17) and (19) belong to oil (D) of the invention ([0019]).

- (1) Glyceryl ester of disproportioned rosin
- (2) 12-Hydroxystearate
- (3) Glyceryl rosin-behenate
- (4) Polyglyceryl behenate
- (5) Glyceryl tribehenate
- (6) Lanolin fatty acid octyl dodecyl ester
- (7) Partially hydrogenated methyl abietate
- (8) Glyceryl tricaprylate
- (9) Diglyceryl oleate
- (10) Liquid petrolatum
- (11) Squalane
- (12) Triglyceryl (hydrogenated rosin-isostearate)

- (13) Glyceryl triisostearate
- (14) Isopropyl myristate
- (15) Ethyl oleate
- (16) Diisostearyl malate
- (17) Isononyl isononanoate
- (18) Glyceryl tri-2-ethylhexanoate
- (19) Methylphenyl polysiloxane
- (20) Fragrance
- (21) Antioxidant
- (22) 1,3-Butylene glycol

It seems that the compositions described in the Examples comprise neither goniochromatic coloring agents nor reflective particles, however.